

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAMOND BAILEY,

Plaintiff,

-against-

THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, NEW YORK CITY POLICE
OFFICERS JOHN DOES NUMBERS 1-6, and NEW
YORK CITY POLICE OFFICERS JANE DOES 1-6,
individually and in their official capacities,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/20/2021

1:19-cv-01488-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On April 27, 2021, the Court held a hearing attended by Plaintiff, an adult who is *pro se*, Plaintiff's mother, and counsel for Defendants. At the conference, the Court explained that it would not proceed with the appointment of Plaintiff's mother as a guardian ad litem since it would be futile given her inability to retain counsel. The Court further explained that Plaintiff may continue to prosecute the action *pro se* if he desires to do so. Plaintiff expressed a desire to dismiss the case, but then he and his mother asked for more time to discuss the matter further, which the Court granted.

After the conference, the Court entered an Order directing that "[o]n or before **May 12, 2021**, Plaintiff shall file a letter physically and personally signed by Plaintiff advising the Court whether Plaintiff will continue to prosecute this action *pro se* or whether Plaintiff is discontinuing this action and voluntarily dismissing the case." [ECF No. 56.] The Court also set a briefing schedule for Defendants' renewed motion for summary judgment, if Plaintiff decided to continue to prosecute the case. To date, Plaintiff has not submitted a letter as required by the Court's Order.

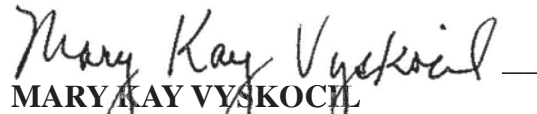
Accordingly, IT IS HEREBY ORDERED that Plaintiff shall file a letter physically and personally signed by Plaintiff on or before **June 10, 2021**, advising the Court whether he will continue to prosecute this action *pro se*, has retained counsel, or is discontinuing this action and voluntarily dismissing the case. The Court has made every effort to give Plaintiff, working with his mother, an opportunity to prosecute his case. **THIS IS THE FINAL WARNING. THERE WILL BE NO FURTHER EXTENSIONS. IF PLAINTIFF FAILS TO FILE A LETTER IN COMPLIANCE WITH THE COURT'S DIRECTION BY JUNE 10, 2021, THE COURT WILL BE CONSTRAINED TO DISMISS THE CASE FOR FAILURE TO PROSECUTE.**

IT IS FURTHER ORDERED that the deadline for Defendants to submit their renewed motion for summary judgment is adjourned *sine die*. The Court will enter a revised briefing schedule upon receipt of Plaintiff's letter, should Plaintiff decide to continue to prosecute this case.

The Clerk of Court is respectfully requested to mail a copy of this Order and docket entry 56 to the *pro se* Plaintiff at the address of record.

SO ORDERED.

**Date: May 20, 2021
New York, NY**


MARY KAY VYSKOČIL
United States District Judge